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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/767,839 | 01/24/2001 | Philip D. Mooney | 29250-001021/US | 2205 |

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| EXAMINER | |
|---|---|
| NGUYEN, TU X | |
| **ART UNIT** | **PAPER NUMBER** |
| 2618 | |

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/767,839 | MOONEY ET AL. | |
| | Examiner | Art Unit | |
| | Tu X. Nguyen | 2618 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *19 July 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-50* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-50* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

### *Response to Amendment*

Applicants amend with respect to claims 1, 12, 24, 27, 33, 37-39, 41, 43, 45, 47 and 49-50, have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-17, 19-48, are rejected under 35 U.S.C. 103(a) as being obvious over Anvekar et al. in view of Wang et al. (US Patent 5,757,929).

Regarding claim 1, Anvekar et al. disclose a method of switching among wireless audio sources, comprising: receiving a plurality of input audio signals from respective wireless audio sources at a wireless receiver; selecting one of said plurality of input audio signals for output from an audio signal reproducing device coupled to said wireless receiver, said selecting being performed according to at least one stored selection instruction which includes a designated triggering event for triggering said selection (see fig.1, par.022).

Anvekar et al. disclose a headset wirelessly receiving multiple audio sources. However, Anvekar et al. fail to disclose reproducing device coupled to said wireless receiver overlaid on another audio signal.

In the related art, a headset couples with multiple audio sources. Wang et al. disclose reproducing device coupled to said wireless receiver overlaid on another audio signal (see col.8

lines 16-21). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Anvekar with the audio mixer teaching of Wang in order to provide to the user audio output at least two audio sources simultaneously.

Regarding claim 12, Anvekar et al. disclose a method of switching among wireless audio sources, comprising: receiving a plurality of Bluetooth.TM. compliant transmissions, each including a respective input audio signal, from respective electronic devices; selecting at least one of said received audio signals for output to a headset in accordance with at least one stored selection instruction, said selection instruction including a designated triggering event for triggering said selection (see par.022, par.014).

Anvekar et al. disclose a headset wirelessly receiving multiple audio sources. However, Anvekar et al. fail to disclose reproducing device coupled to said wireless receiver overlaid on another audio signal.

In the related art, a headset couples with multiple audio sources. Wang et al. disclose reproducing device coupled to said wireless receiver overlaid on another audio signal (see col.8 lines 16-21). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Anvekar with the audio mixer teaching of Wang in order to provide to the user audio output at least two audio sources simultaneously.

Regarding claims 24, 27, Anvekar et al. disclose a device for switching among wireless audio sources, comprising: a wireless receiver which receives a plurality of audio signals transmitted from respective wireless audio sources (see 310, fig.3); a storage device that stores at least one selection instruction which includes a designated triggering event for triggering said selection (see par. 026); a programmable switch coupled to said storage device and said

wireless receiver that selects one of said plurality of audio signals for output according to said at least one stored selection instruction and said designated triggering event (see par.022); an audio signal reproducing device coupled to said programmable switch that aurally reproduces said one of said plurality of audio signals selected for output (see par.015).

Anvekar et al. disclose a headset wirelessly receiving multiple audio sources. However, Anvekar et al. fail to disclose reproducing device coupled to said wireless receiver overlaid on another audio signal.

In the related art, a headset couples with multiple audio sources. Wang et al. disclose reproducing device coupled to said wireless receiver overlaid on another audio signal (see col.8 lines 16-21). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Anvekar with the audio mixer teaching of Wang in order to provide to the user audio output at least two audio sources simultaneously.

Regarding claim 33, Anvekar et al. disclose a system of electronic devices (see Anvekar fig.1), comprising: a wireless receiver which receives a plurality of audio signals transmitted from respective wireless audio sources (see 310, fig.3); a storage device that stores at least one selection instruction which includes a designated triggering event for triggering said selection (see par. 026); a programmable switch coupled to said storage device and said wireless receiver that selects one of said plurality of audio signals for output according to said at least one stored selection instruction and said designated triggering event (see par.022); an audio signal reproducing device coupled to said programmable switch that aurally reproduces said one of said plurality of audio signals selected for output (see par.015).

Anvekar et al. disclose a headset wirelessly receiving multiple audio sources. However, Anvekar et al. fail to disclose reproducing device coupled to said wireless receiver overlaid on another audio signal.

In the related art, a headset couples with multiple audio sources. Wang et al. disclose reproducing device coupled to said wireless receiver overlaid on another audio signal (see col.8 lines 16-21). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Anvekar with the audio mixer teaching of Wang in order to provide to the user audio output at least two audio sources simultaneously.

Regarding claim 37, Anvekar et al. disclose a method of switching among wireless audio sources, comprising: receiving a plurality of input audio signals from respective wireless audio sources at a wireless receiver; selecting one of said plurality of input audio signals for output from an audio signal reproducing device coupled to said wireless receiver, said selecting being performed according to at least one stored selection instruction which includes a designated triggering event for triggering said selection (see fig.1, par.022), wherein designated triggering event is receipt of an incoming information update (see par.019, "the user next receives an incoming cell phone" corresponds to "receipt of an incoming information update").

Anvekar et al. disclose a headset wirelessly receiving multiple audio sources. However, Anvekar et al. fail to disclose reproducing device coupled to said wireless receiver overlaid on another audio signal.

In the related art, a headset couples with multiple audio sources. Wang et al. disclose reproducing device coupled to said wireless receiver overlaid on another audio signal (see col.8 lines 16-21). Therefore, It would have been obvious to one of ordinary skill in the art at the time

the invention was made to modify the system of Anvekar with the audio mixer teaching of Wang in order to provide to the user audio output at least two audio sources simultaneously.

Regarding claim 38, modified Anvekar et al. disclose a method of switching among wireless audio sources, comprising: receiving a plurality of Bluetooth.TM. compliant transmissions, each including a respective input audio signal, from respective electronic devices; selecting at least one of said received audio signals for output to a headset in accordance with at least one stored selection instruction, said selection instruction including a designated triggering event for triggering said selection (see par.022, par.014), wherein designated triggering event is receipt of an incoming information update (see par.019).

Anvekar et al. disclose a headset wirelessly receiving multiple audio sources. However, Anvekar et al. fail to disclose reproducing device coupled to said wireless receiver overlaid on another audio signal.

In the related art, a headset couples with multiple audio sources. Wang et al. disclose reproducing device coupled to said wireless receiver overlaid on another audio signal (see col.8 lines 16-21). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Anvekar with the audio mixer teaching of Wang in order to provide to the user audio output at least two audio sources simultaneously.

Regarding claim 39, Anvekar et al. disclose a method of switching among wireless audio sources, comprising: receiving a plurality of input audio signals from the same network (see par.014) from respective wireless audio sources at a wireless receiver; selecting one of said plurality of input audio signals for output from an audio signal reproducing device coupled to said wireless receiver, said selecting being performed according to at least one stored selection

instruction which includes a designated triggering event for triggering said selection (see fig.1, par.022).

Anvekar et al. disclose a headset wirelessly receiving multiple audio sources. However, Anvekar et al. fail to disclose reproducing device coupled to said wireless receiver overlaid on another audio signal.

In the related art, a headset couples with multiple audio sources. Wang et al. disclose reproducing device coupled to said wireless receiver overlaid on another audio signal (see col.8 lines 16-21). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Anvekar with the audio mixer teaching of Wang in order to provide to the user audio output at least two audio sources simultaneously.

Regarding claim 41, Anvekar et al. disclose a method of switching among wireless audio sources, comprising: receiving a plurality of Bluetooth.TM. compliant transmissions, each including a respective input audio signal, from the same network (see par.014); selecting at least one of said received audio signals for output to a headset in accordance with at least one stored selection instruction, said selection instruction including a designated triggering event for triggering said selection (see par.022, par.014).

Anvekar et al. disclose a headset wirelessly receiving multiple audio sources. However, Anvekar et al. fail to disclose reproducing device coupled to said wireless receiver overlaid on another audio signal.

In the related art, a headset couples with multiple audio sources. Wang et al. disclose reproducing device coupled to said wireless receiver overlaid on another audio signal (see col.8 lines 16-21). Therefore, It would have been obvious to one of ordinary skill in the art at the time

the invention was made to modify the system of Anvekar with the audio mixer teaching of Wang in order to provide to the user audio output at least two audio sources simultaneously.

Regarding claims 43, 45 and 47, Anvekar et al. disclose a system of electronic devices (see fig.1), comprising: a wireless receiver which receives a plurality of audio signals transmitted from the same network (see par.014) from respective wireless audio sources (see 310, fig.3); a storage device that stores at least one selection instruction which includes a designated triggering event for triggering said selection (see par. 026); a programmable switch coupled to said storage device and said wireless receiver that selects one of said plurality of audio signals for output according to said at least one stored selection instruction and said designated triggering event (see par.022); an audio signal reproducing device coupled to said programmable switch that aurally reproduces said one of said plurality of audio signals selected for output (see par.015).

Anvekar et al. disclose a headset wirelessly receiving multiple audio sources. However, Anvekar et al. fail to disclose reproducing device coupled to said wireless receiver overlaid on another audio signal.

In the related art, a headset couples with multiple audio sources. Wang et al. disclose reproducing device coupled to said wireless receiver overlaid on another audio signal (see col.8 lines 16-21). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Anvekar with the audio mixer teaching of Wang in order to provide to the user audio output at least two audio sources simultaneously.

Regarding claims 2 and 13-14, The modified Anvekar et al. disclose selecting is performed according to a plurality of selection instructions (see Anvekar par.019).

Regarding claims 3, 15, The modified Anvekar et al. disclose each of said selection instructions is associated with a respective wireless audio source so that selection of a particular wireless audio source occurs in response to a triggering event included in the associated selection instruction (see Anvekar par.019).

Regarding claims 4, 7, 31, 34, The modified Anvekar et al. disclose designated triggering event includes receipt of a message from a wireless audio source (see Anvekar 022).

Regarding claim 6, The modified Anvekar et al. disclose designated triggering event is receipt of an incoming information update (see Anvekar par.019).

Regarding claims 8, 17, 19, 30, The modified Anvekar et al. disclose designated triggering event is a request to communicate via a mobile telephone (see Anvekar par.019).

Regarding claims 9, 25, 28, The modified Anvekar et al. disclose 9 wireless audio sources are in RF communication with said wireless receiver (see Anvekar par.014).

Regarding claims 10, 26, 29, 35-36, The modified Anvekar et al. disclose wireless receiver and said wireless audio sources are Bluetooth.TM. compliant (see Anvekar par.014).

Regarding claim 11, The modified Anvekar et al. disclose wireless receiver and said audio signal reproducing device are included in a headset (see Anvekar par.015).

Regarding claims 16, 32, The modified Anvekar et al. disclose designated triggering event is a chronological event (see Anvekar par.020).

Regarding claim 20, The modified Anvekar et al. disclose one of said first and second portable electronic devices is an AM/FM radio (see Anvekar par.014).

Regarding claim 21, The modified Anvekar et al. disclose at least one of said first and second portable electronic devices is a compact disc (CD) player (see Anvekar par.014).

Regarding claim 23, The modified Anvekar et al. disclose at least one of said first and second portable electronic devices is a personal computer (see Anvekar par.014).

Regarding claims 40, 42, 44, 46, The modified Anvekar et al. disclose the network comprises a piconet (see Anvekar par.014).

Regarding claim 22, The modified Anvekar et al. fail to disclose at least one of said first and second portable electronic devices is a walkie-talkie radio. However, the Examiner takes an Official notice that the concept push to talk radio is well known in the art. It would have been obvious that the first and second portable electronic devices are operating in half duplex communications between them.

Claims 18 and 49-50 rejected under 35 U.S.C. 103(a) as being unpatentable over Anvekar et al. in view of Wang et al. and further in view of Lowe et al. (US Patent 6,298,218).

Regarding claim 18, The modified Anvekar et al. fail to disclose an advertising message from a merchant.

In an analogous art, a headset receives from plurality of audio sources, Lowe et al. disclose an advertising message from a merchant (see Anvekar col.3 lines 20-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of The modified Anvekar et al. with the above teaching of Lowe et al. in order to provide a need for advertisers to be able to target their audiences base on the particular needs on the individual user.

Regarding claim 49, The modified Anvekar et al. disclose everything as claim 1 above. However, The modified Anvekar et al. fail to disclose an advertising message from a merchant.

In an analogous art, a headset receives from plurality of audio sources, Lowe et al. disclose an advertising message from a merchant (see Anvekar col.3 lines 20-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of The modified Anvekar et al. with the above teaching of Lowe et al. in order to provide a need for advertisers to be able to target their audiences base on the particular needs on the individual user.

Regarding claim 50, The modified Anvekar et al. disclose everything as claim 12 above. However, The modified Anvekar et al. fail to disclose an advertising message from a merchant.

In an analogous art, a headset receives from plurality of audio sources, Lowe et al. disclose an advertising message from a merchant (see Anvekar col.3 lines 20-25). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of The modified Anvekar et al. with the above teaching of Lowe et al. in order to provide a need for advertisers to be able to target their audiences base on the particular needs on the individual user.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed Tu Nguyen whose telephone number is 571-272-7883.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 12, 2006

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